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SEP 25 2006

OFFICE OF PETITIONS

In re Application of :
Brustad :
Application No. 10/056,831 : **ON PETITION**
Filed: January 24, 2002 :
Attorney Docket No. A-2207-AL :
For: SURGICAL ACCESS DEVICE WITH
FLOATING GEL SEAL

This is a decision on the petition under 37 CFR 1.137(b), filed on May 9, 2006 to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action mailed September 9, 2004, which set an extendable three month period for reply. An amendment after final, filed December 8, 2004, failed to place the application in *prima facie* condition for allowance. Accordingly, this application became abandoned on December 10, 2004. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicant has submitted a RCE and required fee and a request to consider the previously filed amendment as the reply to the September 9, 2004 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 9, 2004 final Office action, and the petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

The petition is **GRANTED**.

The revocation/power of attorney filed on May 9, 2006 has been entered and made of record. Please find enclosed various Notices regarding the change in power of attorney.

After the mailing of this decision the application will be forwarded to Technology Center AU 3763 for consideration of the RCE filed on May 9, 2006.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Notices regarding change in power of attorney